



POLAR BROADCASTING, INC.

November 21, 1996

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Secretary
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

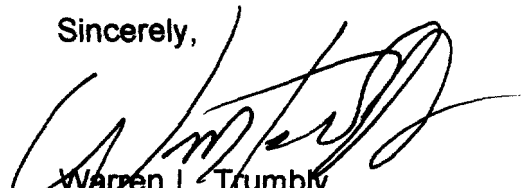
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Reference: Comments 6th Further Notice of Proposed Rule Making
MM Docket No. 87-268

Dear Secretary:

Please find enclosed an original and five copies of comments prepared by Polar Broadcasting in the above proceeding.

Sincerely,



Warren L. Trumbly
President

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

**COMMENTS OF
POLAR BROADCASTING, INC.,¹²**

Polar Broadcasting Inc. (Polar) hereby files its Comments in the above-captioned Notice of Proposed Rule Making on Advanced Television Systems, MM Docket No. 87-268, FCC 96-317 released on August 14, 1996.

Polar is directly involved in the ownership and operation of five (5) LPTV station in California. Each station is programmed to the specific needs of the community. K30BI (KBI-TV) with studios and offices on Fishermans Wharf in San Francisco, originates programming 24 hours a day 7 days a week. Seventeen (17) of those

¹ Polar Broadcasting Inc., (Polar) is the licensee of two LPTV stations, K30BI San Francisco-Oakland-San Jose, CA. and K33DJ Salinas-Monterey-Santa Cruz, CA. Polar manages LPTV stations for Linda K. Trumbly is licensee of K22DD Santa Clara-San Jose, CA and Warren L. Trumbly is Licensee of K27EX Modesto, CA.

² Warren L. Trumbly is President of Polar and manages it's day to day operations. Mr. Trumbly is has been in broadcasting for thirty years, he has built and Managed three full power UHF television stations, has built six LPTV stations and has consulted with dozens of station. He has presented Technical papers at NAB national convention on antenna design. Mr. Trumbly is a director of the Community Broadcasters Association (CBA) and is Vice-President of the organization.

hours are in Korean, and serve over 40,000 in the areas Korean community. We produce one (1) hour a day of local news and air one (1) hour a day of FCC friendly childrens programs. The stations effort in working in the 1996 primary election, to get out the vote, produced letters of commendation from candidates in all parties.

I. INTRODUCTION

By adopting a flexible allocation policy to accommodate LPTV, we believe the Commission would be able to save most LPTV stations in the major markets without negative impact to Full Power stations. As example, we have found several options in the draft table that would save two operating LPTV station, K30BI in San Francisco, and KBTB-LP channel 25 in Sacramento. We have talked with other LPTV operators and have found this can be done in several markets, including Los Angeles. Another example is given by the Commission in this NPR citing *Island Broadcasting* in New York City.

Addressing the specific requests for comments in the order laid out in the Sixth Further Notice Of Proposed Rule Making. First we are pleased the Commission will work with all broadcasters (including LPTV) to revise the Table. We believe the loss of a single LPTV or Translator during this transition is not in the public interest. The Commissions goal in this "phase to insure that the spectrum is used efficiently and effectively"³, we find it difficult to believe this goal can be approached with an estimated loss of 50% of all LPTV and translators stations. LPTV stations now

³ Sixth Further Notice of Proposed Rule Making, page 3.

represent over 50% of the Licensed television stations. The net affect is a 25% loss in television broadcast stations, loss of programming, ownership diversity, and loss of jobs.

II. BACKGROUND AND SUMMARY

Although we believe the Commission is making a best effort in determining an operating system, we feel there has been two significant oversights. The first, determining the acceptance by the general public. This will be a significant factor in the market penetration of available viewers. The second, the failure to make any effort to include LPTV and or translator station. The figurative "throwing-up of hands" at the OET without an effort, or providing a methodology to assist these stations in finding a solution, is not consistent of a Commission seeking to optimize spectrum use in the public interest.

III. ALLOTMENT AND ASSIGNMENT PRINCIPLES

A. Full Accommodation

As addressed in the above paragraph, we believe full accommodation should include all licensees including LPTV and translators.

B. Digital TV Service Areas

Responding to the request for comments on the *"service replication plan in allotting and assigning initial channels for digital TV service"*. Economics and the market place has in most every case determined station coverage. Coverage is designed to cover the market place, by bloating the coverage to a hypothetical area or distance will only aggravate the allocation process and make the DTV process more

difficult. A bigger piece of an un-economical area will not motivate implementation of DTV.

C. Spectrum for DTV

Given the obligation to manage the spectrum efficiently in the public interest it would appear to be in the public interest to preserve the rural and ethnic stations typical of LPTV and translator stations. These stations have been engineered in the spectrum for non-interference of NTSC stations. This has optimize the utilization of the channels were they would have otherwise remained barren. The recovery of spectrum should NOT include LPTV and translator stations at any time during the transition to DTV.

The DTV Core Spectrum methodology is a unique approach to repackaging the channels. At a time when the Commission is trying to allocate a DTV channel to full power stations, and say there aren't enough channels for LPTV and Translators a 20% reduction in spectrum only adds to the pillage. Translators lost channels above 70 in the last spectrum grab. By numbers it sound very easy to take back channels 60-69 since there are only 97 licensees. The commission might take into consideration most of these channels are in major metropolitan areas.

Regarding the preference of allocation plans between the Commission and the MSTV plan, both are deficient because they fail to include any provision to accommodate 25% of licensed stations; LPTV. LPTV and translator operators have three objectives in this process, the first is not being forced to go dark; second is to continue to serve his community with minimal disruption, and finally to transition into

the DTV world. The Commission could help a large number of LPTV and translator by providing LPTV and translator licensees a 90 day period after a final draft of the DTV table is determined to amend and make minor changes to the table. Guide lines could be set which insure minimal impact to the proposed table. Examples are 1, swapping channels between two or three communities, where there would be no ripple affect to other stations. 2, The use of terrain shielding. 3, Allow a slightly elevated level of interference during the transition period. 4, Use an available out of Core channel in lieu of making an LPTV or translator go dark.

Until a final table is proposed, we will not know the impact on our stations. In the event channels 60-69 are set for early recovery we believe setting aside a portion of the channels for displaced LPTV and Translators is equitable with compensation for the costs.

The repackaging of the spectrum into a core group of channels will put a heavy toll on LPTV and Translators since a large per centage of the stations cost in the RF facility. This could be a real hardship on non-profit and educational organizations. Many schools, colleges and churches operate LPTV stations. A large number of educational networks depend upon these licenses to serve their state.

Regarding special transition provisions for DTV, and switching NTSC channel to DTV; we believe stations should be provided as much flexibility as possible for the conversion. To pontificate time and methods at this early stage is presumptuous since there aren't any receivers in the market place and there is no indication of consumer acceptance of the technology.

D. Allotment Preference

During the transition period interference should be tolerated by all NTSC and DTV stations. Spectrum limits provides for an imperfect solution during the transition period.

E. Assignment Methodology

We concur with the Commissions methodology for assigning DTV channels to eligible broadcasters consistent with service replication.

Quite frankly to motivate implementation of DTV the Commission must deal with cable. In many markets cable is 60% to 98% penetration. There is no motivation if there is no available audience.

F. Negotiated Allotments/Assignments

After a "final" DTV Table of Allotments is provided all broadcaster including LPTV and Translators affected in a area should be provide an opportunity to participate in efforts to optimize and enhance the Table. ALL AFFECTED PARTIES should be include in the process (LPTV and translator stations).

G. Additional Considerations

When transitions in a certain area are substantially complete and it is evident that there are available channels, LPTV stations should be allowed to transition either from NTSC or from DTV to a primary channel at full power. Also after the transition there would be no need to have LPTV stations to remain secondary. For those stations that forced dark or adversely displaced compensation should be paid, and a preference should be given for a new primary DTV channel as soon as one is know to

be available. After all LPTV and translator stations have been accommodated, then and only then should other uses of the spectrum be considered.

Polar opposes any sale of the broadcast spectrum. These airways are a national treasure, held in trust by the licensee. Once this spectrum is gone, it will be gone forever. In today's world the diversity of news information and entertainment is an asset. Solutions for solving poor physical management caused by political pandering should not be laid at the foot of the broadcaster, who serves in the public interest. We could solve the deep problem easier and quicker by holding an auction at the "National Gallery of Art" or the "Smithsonian". **Should we sell one treasure over another? I think not!**

IV. OTHER ISSUES

Co-location of NTSC and DTV within a three mile radius provides reasonable flexibility and will prevent defacto modification of the Table. After the Transition period is complete station should be free to make minor or major changes on a non interference basis.

A. Use of Existing Transmitter Sites

In most markets common antenna sites are used by the stations encouraging this would reduce the potential for interference, and simplify station operations and expenses.

B. Existing Vacant Allotments, New NTSC Applications and Station Modifications

If the conversion to DTV is to proceed quickly, fallow NTSC allotments could only slow the process. The noncommercial NTSC allotments should be replaced with DTV channels where available. If a DTV channel is not available in the core spectrum, the an allocation should be reserved for the end of the transition period.

C. Low Power and TV Translator Stations

The displacement of LPTV and translator station service in the major markets may not be as severe as the Commission projects provided: The Commission make provision for changes in the DTV Table. In Polars' situation we found several opportunity to save K30BI in San Francisco. The most advantageous is to swap the DTV channel 25 in Sacramento for DTV channel 30 in San Francisco. This would allow two LPTV stations KBTB-LP and K30BI to continue operation. In this situation the Commission would need to use the existing coverage plan for an existing NTSC station channel 25 Watsonville, CA. (located on Fremont Peak east of Salinas) which is approximately 70 miles from the San Francisco Site on Sutro Tower. The Watsonville station operates a one (1) Kilowatt transmitter with a directional antenna, and there is substantial terrain shielding between the two sites. Another option would be to reassign the DTV 30 on which K30BI operates to DTV channel 62 which is not allocated in the region. As an NTSC channel, K30BI would have multiple taboos which prevents it from moving to clear to make way for DTV operations.

We therefore request the Commission consider one of the to modifications to the DTV table and save KBI-TV (K30BI). ~~An LPTV station~~ A television station that is providing 7 hours a week of childrens programs, is producing

daily live newscasts, originates 24 hours a day of programming, and has received numerous citations for community service. Our viewer do not know or understand that we are a Low Power Television station. They just know they can count on us to provide the new, information, and service to the communities we cover (San Francisco-Oakland-San Jose, CA).

Displacement or loss of an operating station will be an economic catastrophe for LPTV and translator stations, therefore the Commission should establish with this rule making a provision for full compensation of loss. A release should be required from the affected LPTV or translator station as part of the application for the new service. The release would identify the affected station has been properly compensated, for either loss of spectrum or the costs of displacement.

To avoid full displacement, the commission should make a provision for an LPTV or translator station losing an NTSC channel to be displaced to a DTV channel and operate DTV. This will be another expediting the conversion to DTV, and provide a diversity of programming to encourage viewership and market acceptance.

We specifically request that the taboo rule be relaxed and that the Commission consider co-located adjacent channel operation as well as terrain shielding in efforts to preserve existing service to the area.

During this time of transition LPTV stations should be provided the opportunity to seek "primary" use of DTV channels, without competing applications. Each LPTV should receive a complete 6 MHZ channel. As channels are recovered the will be sufficient "primary" DTV channels for all licensed and operating LPTV stations.

D. Use of TV Channels 3,4 and 6

Polar has no comment.

E. Land Mobile Sharing

Polar has no comment.

F. DTV Frequency labeling Plan

Polar has no comment.

V. ALLOTMENT METHODOLOGY AND APPROACH

A. Technical Performance of the DTV System

We support the Commissions proposal in reducing spacing and UHF taboos. We also encourage the Commission to use existing coverage of NTSC in determining D/U interference for new DTV channels.

B. Methodology for Allotting DTV Frequencies

We strongly support the Commission proposal to approach DTV based on service replication and interference considerations, rather than maximum spacing. A 97 mile co-channel separation is unreasonable if one or both of the stations are not operating a maximum ERP. If for example they cover 35 or 40 miles with the existing facility. Therefore, protection beyond 70 miles would unnecessary. The use of terrain or lack of terrain should be considered in determining service coverage areas and interference. Most UHF stations, operate with directional antennas, and should be considered.

VI. DTV TABLE OF ALLOTMENTS

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A. Maximum and Minimum Station Facilities

We concur with the Commission on Maximum and Minimum facilities, and we the establishment of a minimum ERP for full service DTV stations will promote Viewership. The powers given in paragraph 94 of the NPR are a reasonable expectation for a new DTV station.

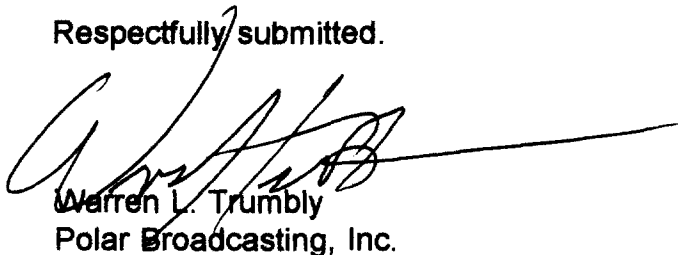
B. Future Allotments and Modifications to the DTV Table

Due to the nature of DTV allocation process an engineer criteria would appear to be the most appropriate method to determine future allotments.

SUMMARY OF COMMENTS

Polar has requested a modification to the Draft DTV Table which will allow it's K30BI to continue to operate during the transition period (either switch DTV channel 30 in San Francisco with DTV channel 25 in Sacramento, CA - thereby saving 2 LPTV stations, or change the channel 30 DTV channel to channel 62). We encourage the Commission to be flexible in moving DTV channels to accommodate LPTV and translator stations if no significant in made to the matching DTV channel for the NTSC paired channel. We have encouraged the Commission to use existing coverage in determining interference and to employ terrain shielding where appropriate. We believe that any LPTV or translator station lost or displaced in this process should receive compensation. Finally, after LPTV's have persevered they should be included in the DTV transition as a primary station.

Respectfully submitted.



Warren L. Trumbly
Polar Broadcasting, Inc.